

REMARKS

The specification has been amended at page 3 more properly to describe the color of the ray florets. The change is intended to address point C. in the discussion directed to an objection to the specification on page 3 of the Office Action.

The Examiner called for the instant plant to be distinguished over its antecedents. The Examiner is informed that the parents 96.1260 and 97.0324 are both non-commercial varieties used by the former chief breeder of the assignee to perform crossings. After the former chief breeder left the company, the breeding program was revised by the present breeder; during this revision process, the two parents mentioned above were deleted from assignee's stock of crossing parents. Accordingly, at the present time, no plant material of those varieties exists nor is there an ability to access any earlier descriptions thereof.

Point B. in the disclosure objection part of the Office Action stated that the application needs to state where vegetative cuttings were taken. The Examiner's attention is directed to the last sentence in the first full paragraph on page 1 of the specification informing the reader that the first act of asexual reproduction of the variety was accomplished when

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vegetative cuttings were taken from the initial selection in 2001 in a controlled environment in Rijzenhout, Holland. It is therefore believed that the specification as filed states where asexual reproduction occurred.

The requirement for information under 37 CFR 1.105 is noted. The Examiner is informed that the first date of sale of 'Sizzleness' took place in the Netherlands in December 2001. Also enclosed herewith are copies of the PBR application and grant. It is pointed out that the application date was November 21, 2001 and the denomination 'Sizzleness' was proposed March 28, 2003, less than a year before the present case was filed.

Applicant respectfully submits that the case is in condition for allowance and a USPTO paper to those ends is earnestly solicited.

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The Examiner is requested to telephone the undersigned if additional changes are required prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

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Date

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Enclosures: PBR application and grant

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